

THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY,  
RYAN C. BUNDY,  
AMMON E. BUNDY, and  
RYAN W. PAYNE,

Defendants.

2:16-cr-46-GMN-PAL-1-4

DATE: November 27, 2017

Courtroom 7C

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazevich

COURT REPORTER: Heather Newman

COUNSEL FOR PLAINTIFF: Steven Myhre, Nadia Ahmed and Daniel Schiess with FBI Agents Joel Willis, Sharon Gavin and Mike Abercrombie

COUNSEL FOR DEFENDANT: Bret Whipple, Maysoun Fletcher (Standby Counsel), Daniel Hill, Brenda Weksler and Ryan Norwood

MINUTES OF PROCEEDINGS: Jury Trial (Day 12)

8:55 a.m. The Court convenes outside the presence of the prospective jurors. The Court admonishes the parties regarding courtroom demeanor. The Court GRANTS IN PART AND DENIES IN PART the Motion Regarding Preservation of Matters Raised by Defendant Peter Santilli (ECF No. 2636). Motions for Joinder by Ryan Payne and Ammon Bundy (ECF Nos. 2653 and 2668, respectively) are GRANTED. The Court GRANTS Mr. Norwood's oral motion to compartmentalize the areas of bifurcated testimony from witnesses. Mr. Norwood and Mr. Ryan Bundy make objections to portions of an anticipated exhibit. Mr. Myhre responds. The Court denies the objections. Mr. Norwood requests the entirety of Exhibit 15 be admitted not for trial but for purposes of appeal. The Court GRANTS the request. **EXHIBIT 4A** is marked on the record. Mr. Ryan Bundy requests the Court reconsider its ruling regarding the objections to portions of an anticipated exhibit be admitted under FRE 106. The Court denies the request. Ms. Weksler makes a request for ruling on Mr. Norwood's request regarding the anticipated exhibit pursuant to the exception under FRE 803(3). Mr. Myhre responds. The Court denies the request. The Government moves to admit **EXHIBIT 15 (A-F)**. Ms. Weksler requests additional information be excluded during the testimony of Robert Shilaikis. The Government indicates it does not intend to elicit that particular information during testimony.

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9:35 a.m. The jury enters the courtroom. **ROBERT SHILAIKIS**, called on behalf of the Government, is sworn and testifies on direct examination by Mr. Myhre. The Government requests the ability to recall **ROBERT SHILAIKIS** at a later date to cover information after March 17, 2014. Mr. Ryan Bundy conducts cross examination on behalf of himself. **EXHIBIT 15 (A-F) is admitted into evidence.**

10:47 a.m. The jury is admonished and excused for a morning break.

11:07 a.m. The Court reconvenes outside the presence of the jury. Mr. Whipple makes comments regarding testimony involving water rights. Mr. Myhre responds

11:22 a.m. The jury enters the courtroom. **ROBERT SHILAIKIS**, called on behalf of the Government and previously sworn, testifies on cross examination by Mr. Whipple on behalf of Cliven Bundy.\

12:13 p.m. The jury is admonished and excused for lunch.

12:14 p.m. The Court reconvenes outside the presence of the jury. The Court inquires whether or not the defense has a copy of the recording of the conversation with Clancy Cox and asks about the relevance of the call. Mr. Whipple responds. The Government will provide the recording to the defense. The Government requests a curative jury instruction regarding Mr. Whipple's questioning during the testimony of **ROBERT SHILAIKIS**. The Court will provide a curative instruction to the jury.

1:33 p.m. The Court reconvenes outside the presence of the jury. Mr. Myhre indicates that a copy of the recorded phone call to Clancy Cox is being copied and provided to the Defendants. Mr. Norwood requests additional time to review the recording of the audio. Mr. Norwood requests the full deposition of Cliven Bundy be marked for the record. Mr. Schiess will provide the full transcript tomorrow morning. Mr. Whipple requests the ability to talk to Mr. Cox prior to concluding the testimony of **ROBERT SHILAIKIS**.

1:52 p.m. The jury enters the courtroom. **ROBERT SHILAIKIS**, called on behalf of the Government and previously sworn, testifies on redirect examination by Mr. Myhre. **EXHIBIT 15 is ADMITTED into evidence.**

2:59 p.m. The jury is admonished and excused for the evening.

3:00 p.m. The Court reconvenes outside the presence of the jury. Mr. Myhre informs the court that copies of the audio/video conversations has been provided to the defendants for review. Mr. Ryan Bundy requests the court review his detention. The Court takes this matter under submission.

3:05 p.m. The Court stands at recess.

The Court will reconvene at 10:00 a.m. on Tuesday, November 28, 2017, for the parties to litigate the Clancy Cox issue. The jury will return at 1:00 p.m. on Tuesday, November 28, 2017.

DEBRA K. KEMPI, CLERK  
U.S. DISTRICT COURT

BY: \_\_\_\_\_ /S/  
Aaron Blazevich, Deputy Clerk